

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)
Plaintiff,) Case No. CR06-418 RSM
v.)
BRIAN ELLIS NEAL,) SUMMARY REPORT OF U.S.
Defendant.) MAGISTRATE JUDGE AS TO
) ALLEGED VIOLATIONS
) OF SUPERVISED RELEASE

An initial hearing on a petition for violation of supervised release was held before the undersigned Magistrate Judge on July 12, 2007. The United States was represented by Assistant United States Attorney Nicholas Brown, and the defendant by Ms. Carol Koller.

The defendant had been charged and convicted of Possession with Intent to Distribute a Controlled Substance, in violation of 21 U.S.C. § 841(a)(1). On or about February 6, 2006, defendant was sentenced by the Honorable Ricardo S. Martinez to a term of eighteen (18) months in custody to be followed by two (2) years of supervised release.

The conditions of supervised release included the requirements that the defendant comply with all local, state, and federal laws, and with the standard conditions. Special conditions imposed included, but were not limited to, participating in a home confinement program for a period of 90 days and participation in drug testing.

In a Petition for Warrant or Summons, dated July 10, 2007, U.S. Probation Officer Michael J. Larson asserted the following violations by defendant of the conditions of his supervised release:

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01 (1) Using ecstasy on or before April 22, 2007, in violation of standard condition
02 number seven.

03 (2) Using cocaine on or before July 6, 2007, in violation of standard condition number
04 seven.

05 (3) Failing to report to the probation office as instructed for drug testing on April 23,
06 June 4, and July 5, 2007, in violation of the special condition requiring him to appear for drug
07 testing.

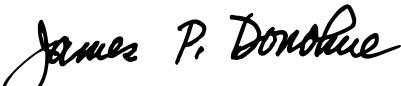
08 (4) Failing to satisfactorily participate in the home confinement program since, on,
09 or about July 3, 2006 (amended orally at the hearing to July 2, 2007), in violation of the special
10 condition requiring his participation in said program for a period of 90 days.

11 The defendant was advised of his rights, acknowledged those rights, and admitted to the
12 four alleged violations.

13 I therefore recommend that the Court find the defendant to have violated the terms and
14 conditions of his supervised release as to violations numbers 1, 2, 3 and 4, and that the Court
15 conduct a hearing limited to disposition. A disposition hearing on these violations has been set
16 before the Honorable Ricardo S. Martinez on August 28, 2007, at 9:30 a.m.

17 Pending a final determination by the Court, the defendant has been detained.

18 DATED this 12th day of July, 2007.

19 
20 JAMES P. DONOHUE
21 United States Magistrate Judge

22 cc: District Judge: Honorable Ricardo S. Martinez
23 AUSA: Mr. Nicholas Brown
24 Defendant's attorney: Ms. Carol Koller
Probation officer: Mr. Michael J. Larson